

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ELIZABETH ANN NACE,**

**Plaintiff,**

**v.**

**FAITH CHRISTIAN ACADEMY, RYAN  
CLYMER AND RUSSELL  
HOLLENBACH,**

**Defendants.**

**CIVIL ACTION**

**NO. 15-333**

**ORDER**

**AND NOW**, this 29th day of March, 2019,

1. **WHEREAS**, on August 6, 2018, the U.S. Court of Appeals for the Third Circuit vacated and remanded this Court's grant of summary judgment in favor of Defendants on Plaintiff's negligence *per se* claim, and directed this Court to "assess whether there exists a genuine dispute of material fact on the other required elements for a negligence per se claim," *see Nace v.*

*Pennridge Sch. Dist.*, 744 Fed.Appx. 58, 64 (3d Cir. Aug. 6, 2018);

2. **WHEREAS**, the vacatur of this Court's summary judgment decision rendered Defendant's Motion to Preclude Testimony of Plaintiff's Expert Brad M. Jackman ripe for adjudication;

3. **WHEREAS**, the Court has considered the parties' supplemental briefing, Defendant Faith Christian Academy's Supplemental Memorandum in Support of Summary Judgment (ECF No. 112); Plaintiff's Supplemental Memorandum in Opposition thereto (ECF No. 115); Defendant Faith Christian Academy's Reply in Support thereof (ECF No. 116); Plaintiff's Sur-Reply in Opposition thereto (ECF No. 119); Defendants Ryan Clymer and Russell Hollenbach's

Supplemental Memorandum in Support of Summary Judgment (ECF No. 111); and Plaintiff's Supplemental Memorandum in Opposition thereto (ECF No. 114);

**IT IS ORDERED** that:

1. With respect to Plaintiff's negligence *per se* claim, Defendant Faith Christian Academy's motion for summary judgment (ECF No. 53) is **DENIED**;
2. Defendants Clymer and Hollenbach's motion for summary judgment to preclude punitive damages (ECF No. 52) is **DENIED**;
3. Defendant Faith Christian Academy's motion in limine to preclude the testimony of Brad M. Jackson, Esq. (ECF No. 51) is **DENIED**.

**BY THE COURT:**

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**